REMARKS

Claims 13, 15-22, 27, and 28 are pending in this application. By this Amendment, claims 13 and 22 are amended to further clarify the recited subject matter. The above-indicated amendments are supported by the original disclosure and no new matter is added by these amendments. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. PRIOR ART REJECTIONS - 35 U.S.C. §102

A. CLAIMS 13, 15, AND 17 ARE PATENTABLE OVER STRICKLAND

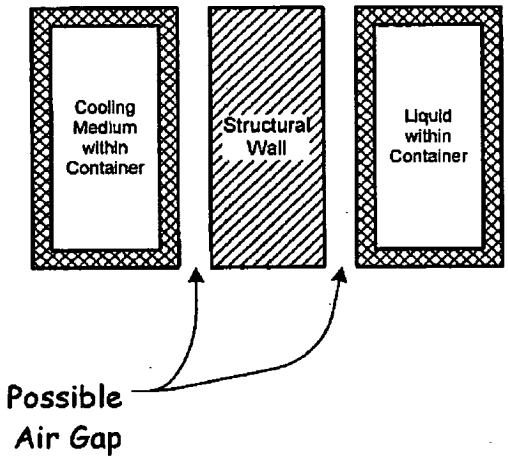
The Office Action rejected claims 13, 15, and 17 under 35 U.S.C. §102(b) as being anticipated by Strickland (U.S. Patent No. 4,877,128, hereinafter "Strickland"). The Applicant traverses the rejection because Strickland fails to teach or suggest all of the features recited in the rejected claims.

For example, Strickland fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

In contrast, Strickland merely discloses a "baby bottle caddy carrying container" that is formed with at least a wall structure separating containers of cooling medium (each container having separate walls for containing the cooling medium) from varying size baby bottles (each baby bottle having separate walls for containing a liquid for consumption). (See Abstract, Col. 3, line 57 – Col. 4, line 17, and Fig. 2 of Strickland)

Therefore, as illustrated below, there are at least three walls (representing at least six surfaces) separating any liquid contained within a baby bottle placed in the Strickland caddy from the cooling medium. There is a first wall formed by the baby bottle, a second wall formed by the Strickland caddy wall structure, and a third wall formed by the cooling medium container.

Thus, there are six separate surfaces between the cooling medium within its container and the liquid within its container. An inner surface of the cooling medium container, an outer surface of the cooling medium container, a first surface of the structural wall, a second surface of the structural wall, an outer surface of the liquid container, and an inner surface of the liquid container.



Furthermore, because the cooling medium and the liquid for consumption are each contained within separate, distinct containers, which are then separated by a structural wall, the Strickland caddy configuration allows for possible air gaps (and not direct contact) between each of the liquid containers and the structural walls and the cooling medium containers and the structural walls.

In fact, in the patent, Strickland attempts to differentiate the "baby bottle caddy carrying container" from U.S. Pat. No. 4,286,440 to Taylor by stating that Taylor "sets forth a cooler provided with a circular configuration of compartments of a relatively rigid construction, as opposed to the instant invention wherein the bottles and the like positioned within the compartments are not of complementary configuration with the compartments and fail to provide the carrying container rigidity as provided by the instant invention". Thus, the Strickland caddy is specifically designed to be used exclusively with rigid liquid containers and the caddy is to be rigid when in use. (See Col. 1, lines 29-36 of Strickland)

In order to utilize the beverage container of Strickland, if a liquid is to be kept cold, the liquid must first be put in a separate bottle, the bottle must be placed within a compartment of the carrier, the cooling medium must be put in a separate container, and the cooling medium container must be placed within a separate compartment of the carrier.

Thus, as disclosed in Strickland, the liquid containing bottle, the cooling medium container, and the wall structure form separate and distinct elements.

Therefore, Strickland actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

Accordingly, Applicant respectfully submits that independent claim 13 is patentable over Strickland. Likewise, claims 15 and 17, which depend, either directly or indirectly, from independent claim 13, are also patentable over Strickland for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 13, 15, and 17 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §102 is respectfully requested.

B. CLAIMS 13, 15, 19, AND 21 ARE PATENTABLE OVER DUCKHOUSE

The Office Action rejected claims 13, 15, 19, and 21 under 35 U.S.C. §102(b) as being anticipated by Duckhouse (European Patent No. GB2,274,096, hereinafter "Duckhouse"). The Applicant traverses the rejection because Duckhouse fails to teach or suggest all of the features recited in the rejected claims.

For example, Duckhouse fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance

medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

In contrast, Duckhouse merely discloses a "multi-compartment drinking bottle" that includes at least two internal chambers that provide a user with a choice of liquids for refreshment. A specific object of the Duckhouse drinking bottle is to provide a multiple chamber liquid dispenser that provides an athlete with a choice of liquid refreshment. (See Page 1, Paragraph 15 of Duckhouse)

Each internal chamber of the Duckhouse drinking bottle is specifically designed to be filled with a fluid for drinking and each internal chamber is provided with a separate delivery tube so that the liquid in each chamber can be independently consumed. (See Page 7, Lines 1-2 and Fig. 1 of Duckhouse)

Furthermore, Duckhouse attempts to differentiate the "multi-compartment drinking bottle" from U.S. Pat. No. 5,060,833 by stating that single chamber liquid dispensers are known, but that the "disadvantage with a single chamber liquid dispenser is that it does not provide a choice of liquid refreshment for the athlete". Thus, the Duckhouse drinking bottle is specifically designed to provide multiple compartments, each of which is specifically designed to contain a distinct liquid refreshment. (See Page 1, lines 6-16 of Duckhouse)

If one of the compartments of the Duckhouse drinking bottle were to be filled with a thermal capacitance medium, the compartment would not be capable of containing a potable liquid refreshment and the primary objective of the Duckhouse drinking bottle would be frustrated.

Therefore, Duckhouse actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

Accordingly, Applicant respectfully submits that independent claim 13 is patentable over Duckhouse. Likewise, claims 15, 19, and 21, which depend, either directly or indirectly, from

independent claim 13, are also patentable over Duckhouse for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 13, 15, 19, and 21 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §102 is respectfully requested.

C. CLAIMS 13, 15, AND 17 ARE PATENTABLE OVER MUSIELAK

The Office Action rejected claims 13, 15, and 17 under 35 U.S.C. §102(b) as being anticipated by Musielak (U.S. Patent No. 5,007,250, hereinafter "Musielak"). The Applicant traverses the rejection because Musielak fails to teach or suggest all of the features recited in the rejected claims.

For example, Musielak fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

In contrast, Musielak merely discloses a portable insulated cooling container that includes a separate first compartment and second compartment. The first compartment is adapted to receive a plurality of beverage containers and the second compartment is adapted to receive a coolant. (See Abstract, Fig. 2, and Col. 3, lines 26-39 of Musielak)

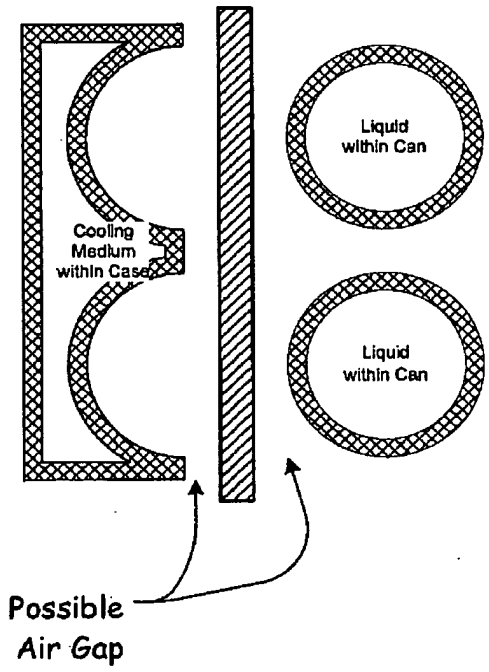
In a fashion very similar to the Strickland caddy, as detailed above, the Musielak cooling container is formed with at least a wall structure (pliable layer 46) separating the first compartment (for housing rigid cans 48) from the second compartment (for housing a rigid coolant material 50). (See Abstract, Fig. 2, and Col. 3, lines 26-39 of Musielak)

The coolant material used in the Musielak cooling container "is formed by a hollow sealed case that encloses a refrigerant, such as "Blue Ice", and is scalloped on one side, providing recesses 52 that are adapted to individually lodge each of cans 48". (See Col. 3, lines 41-46 of Musielak)

Therefore, as illustrated below, there are at least three walls (representing at least six surfaces) separating any liquid contained within a can placed in the Musielak cooling container

from the cooling medium. There is a first wall formed by the can, a second wall formed by the Musielak cooling container wall structure, and a third wall formed by the cooling medium case.

Thus, there are six separate surfaces between the cooling medium within its case and the liquid within its can. An inner surface of the cooling medium case, an outer surface of the cooling medium case, a first surface of the structural wall, a second surface of the structural wall, an outer surface of the can, and an inner surface of the can.



Furthermore, because the cooling medium and the liquid for consumption are each contained within separate, distinct containers, which are then separated by a structural wall, the Musielak cooling container configuration allows for possible air gaps (and not direct contact) between each of the liquid containers and the structural walls and the cooling medium cases and the structural walls.

In fact, Musielak states that "cans 48 never rest directly on coolant material 50, but instead on nylon layer 46". (See Col. 3, lines 59-60 of Musielak)

In order to utilize the beverage container of Musielak, if a liquid (which must be contained within a can) is to be kept cold, the liquid must first be in the separate can, the can must be placed within a compartment of the cooling container, and the cooling medium (which must be in a separate case) must be placed within a separate compartment of the carrier.

Thus, as disclosed in Musielak, the liquid containing can, the cooling medium case, and the wall structure form separate and distinct elements.

Therefore, Musielak actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

Accordingly, Applicant respectfully submits that independent claim 13 is patentable over Musielak. Likewise, claims 15 and 17, which depend, either directly or indirectly, from independent claim 13, are also patentable over Musielak for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 13, 15, and 17 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §102 is respectfully requested.

D. CLAIMS 13, 17, 19, 20, 21, 27, AND 28 ARE PATENTABLE OVER MOTSENBOCKER

The Office Action rejected claims 13, 17, 19, 20, 21, 27, and 28 under 35 U.S.C. §102(b) as being unpatentable over Motsenbocker (U.S. Patent No. 4,420,097, hereinafter "Motsenbocker"). The Applicant traverses the rejection because Motsenbocker fails to teach or suggest all of the features recited in the rejected claims.

i. CLAIMS 13, 17, 19, 20, AND 21 ARE PATENTABLE OVER MOTSENBOCKER

For example, as outlined in Applicant's response of February 21, 2006, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being

at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Therefore, Motsenbocker actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

Accordingly, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker. Likewise, claims 17, 19, 20, and 21, which depend, either directly or indirectly, from independent claim 13, are also patentable over Motsenbocker for the reasons discussed

above plus the additional feature(s) they recite. Thus, claims 13, 17, 19, 20, and 21 are allowable and withdrawal of the rejection of these claims is respectfully requested.

ii. CLAIMS 27 AND 28 ARE PATENTABLE OVER MOTSENBOCKER

For example, as outlined in Applicant's response of February 21, 2006, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers all being permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", (emphasis added), as recited in claim 22.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal

compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Therefore, Motsenbocker actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers all being permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", (emphasis added), as recited in claim 22.

Accordingly, Applicant respectfully submits that independent claim 22 is patentable over Motsenbocker. Likewise, claims 27 and 28, which depend, either directly or indirectly, from independent claim 22, are also patentable over Motsenbocker for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 27 and 28 are allowable and withdrawal of the rejection of these claims is respectfully requested.

II. PRIOR ART REJECTIONS - 35 U.S.C. §103

A. CLAIM 16 IS PATENTABLE OVER MOTSENBOCKER IN VIEW OF BOXER

The Office Action rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of Boxer et al. (U.S. Patent No. 4,526,298, hereinafter "Boxer"). The Applicant traverses the rejection because the combined teachings of Motsenbocker and Boxer fail to teach all of the features recited in the rejected claim.

For example, as outlined in Applicant's response of February 21, 2006, and as outlined above, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible

pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Thus, Motsenbocker fails to teach the claimed subject matter of original claim 13 and actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner

compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

The inclusion of Boxer fails to overcome the deficiencies of Motsenbocker. Boxer merely Boxer merely discloses a hydration system that includes a refillable flexible liquid container or bag that is suspended from the shoulders with the weight of the liquid disposed on a centered position at the anatomic pivot point in the small of the back of the user. A trigger-actuated pump type liquid dispenser is attached to the bottom of the bag by a kink-free flexible coiled tube. The dispenser includes a nozzle that is adjustable between "stream" and "spray" positions. In a modification the walls of the container are insulated in order to maintain the temperature of the contents at a desired level. (See Abstract of Boxer)

As further disclosed in Boxer, the bag may include "a layer of suitable insulation 80 between an inner layer 82 of the wall of bag 78 and an outer layer 84 thereof. Such an insulated bag 78 serves to maintain a desired liquid temperature ...". (See Col 4, lines 55-60 of Boxer)

Furthermore, Boxer fails to teach or suggest a thermal capacitance medium in the at least one outer compartment. In fact, Boxer teaches the use of "insulation" and teaches away from the inclusion of a thermal capacitance medium. Characteristically, "insulation" is a material that reduces or prevents the transmission or transfer of heat or sound or electricity. (See Merriam-Webster Online Dictionary) According to The American Heritage® Dictionary of the English Language, Fourth Edition, something is "insulated" to "prevent the passage of heat, electricity, or sound into or out of, especially by surrounding with a nonconducting material".

Therefore, as taught in Boxer, the insulation between the inner layer of the wall of the bag and the outer layer merely functions to prevent the passage of heat into or out of the contents of the bag and attempts to maintain the original temperature of the liquid by surrounding the wall of the bag with a nonconducting material.

Thus, the insulation taught in Boxer can only attempt to passively maintain the temperature of an enclosed liquid. The insulation of Boxer cannot itself be heated or cooled to actively maintain, or even alter, the temperature of the liquid.

Thus, Boxer fails to teach the claimed subject matter of claim 13 and actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment

and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13, and fails to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Boxer, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Since the teachings of Boxer fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker and Boxer, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

Therefore, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker in view of Boxer. Likewise, dependent claim 16 is also patentable over Motsenbocker in view of Boxer by virtue of its direct dependence from claim 13, for the reasons discussed above, and for the additional feature(s) it recites. Thus, claim 16 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

B. CLAIM 18 IS PATENTABLE OVER MOTSENBOCKER IN VIEW OF BOXER

The Office Action rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of Boxer et al. (U.S. Patent No. 4,526,298, hereinafter "Boxer"). The Applicant traverses the rejection because the combined teachings of Motsenbocker and Boxer fail to teach all of the features recited in the rejected claim.

For example, as outlined in Applicant's response of February 21, 2006, and as outlined above, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible

pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker).

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Thus, Motsenbocker fails to teach the claimed subject matter of original claim 13 and actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner

compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

The inclusion of Van Turnhout fails to overcome the deficiencies of Motsenbocker. Van Turnhout merely discloses a device for storing and gradually dispensing heat or cold, which includes a container having a partially heat-conducting wall enclosing a space with material having a high heat capacity including a semisolid hydrogel formed by a crosslinked hydrophilic polymer containing 90-99.5% of water, based on the sum of polymer and water. (See Abstract of Van Turnhout)

As further described in Van Turnhout, the device can be used for the purpose of keeping parts of the human or animal body warm, in the form of a bottle, cylinder, blanket, or bed. The device may also serve as a heat source for other materials, such as hair (rollers), food, plates (catering), and the like. The Van Turnhout device can be used not only as a chargeable source of heat but also as a source of cold, for example to be used for cooling drinks or other comestibles, or for medical applications. Cool-down can, for example, be effected in a freezer compartment. The device may have various forms such as a cylinder, block, plate and the like and hold varying capacities. (See Col. 4, Lines 5-20 of Van Turnhout)

Thus, the teachings of Van Turnhout teach away from a hydration system, comprising "a flexible pouch including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13, and fail to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Van Turnhout, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Since the teachings of Van Turnhout fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker and Van Turnhout, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising "a flexible pouch including a plurality of layers, wherein said plurality of layers are all permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one

outer compartment being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption" (emphasis added), as recited in claim 13.

Therefore, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker in view of Van Turnhout. Likewise, dependent claim 18 is also patentable over Motsenbocker in view of Van Turnhout by virtue of its direct dependence from claim 13, for the reasons discussed above, and for the additional feature(s) it recites. Thus, claim 18 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

C. CLAIM 22 IS PATENTABLE OVER MOTSENBOCKER IN VIEW OF THE KNOWLEDGE OF ONE HAVING ORDINARY SKILL IN THE ART

The Office Action rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of the Examiner's opinion as to what would have been obvious to one having ordinary skill in the art at the time the invention was made. The Applicant traverses the rejection because the combined teachings of Motsenbocker and the knowledge of one having ordinary skill in the art regarding straps fail to teach all of the features recited in the rejected claim.

For example, as outlined in Applicant's response of February 21, 2006, and as outlined above, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers all being permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", (emphasis added), as recited in claim 22.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Therefore, Motsenbocker actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers all being permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", (emphasis added), as recited in claim 22.

The inclusion of the knowledge of one having ordinary skill in the art regarding the

possible inclusion of straps fails to overcome the deficiencies of Motsenbocker. More specifically, the inclusion of straps with the portable liquid dispenser of Motsenbocker fails to overcome the deficiencies of Motsenbocker, and the teachings of Motsenbocker and Van one having ordinary skill in the art, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers all being permanently joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", (emphasis added), as recited in claim 22.

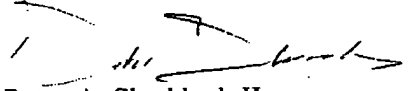
Therefore, Applicant respectfully submits that independent claim 22 is patentable over Motsenbocker in view of the knowledge of one of ordinary skill in the art at the time the invention was made. Thus, claim 22 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

Based on the foregoing amendments and/or remarks, Applicant respectfully submits that claims 13, 15-22, 27, and 28 are directed to allowable subject matter and that the application is in condition for allowance. Accordingly, prompt reconsideration and allowance of the application with these claims is respectfully requested.

However, if the Examiner believes there is anything further necessary to place this application in better condition for allowance, Applicant requests the Examiner telephone Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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